

FILED

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

MARTY ELLEN DUNLAP
CLERK OF SUPERIOR COURT

BY

DEPUTY

STATE OF ARIZONA,

Plaintiff,

vs.

TOYA MARLENE LITTLEBEAR and
ERNEST CLAYTON ROSS, aka BJ,

Defendant(s).

GRAND JURY NO. 16- 0134

CASE NO. CR2016-

CASE NO. CR2016- 00739

INDICTMENT

The Grand Jurors of the County of Cochise, in the name of the State of Arizona,

and by its authority accuse:

TOYA MARLENE LITTLEBEAR and
ERNEST CLAYTON ROSS, aka BJ

and charge that in Cochise County:

COUNT 1

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, knowingly possessed a dangerous drug for sale, to wit: methamphetamine, in violation of A.R.S. §§13-3407.A.2, 13-3407.B.2, 13-3407.D, E, F, G, H, I, J, 13-3401.6, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 2 felony.

COUNT 2

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed child abuse, under circumstances likely to produce death or serious physical injury, by intentionally and knowingly and the victim was under fifteen years of age and having the care or custody of a child, caused or permitted the person or health of the child to be injured or to be placed in a situation where the person or health of the child was endangered, in violation of A.R.S. §§13-3623.A, 13-3623.C, E, F, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705 and 13-801, a class 2 felony, punishable pursuant to A.R.S. §13-705.

COUNT 3

~~On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, knowingly hire, employ or use a minor to engage in any conduct, completed or preparatory, any substance if its possession is prohibited by §§13-3404, 13-3404.01, 13-3405, 13-3406, 13-3407, and 13-3408, in violation of A.R.S. §§13-3409.A.2, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-705.C, and 13-821, a class 2 felony, punishable pursuant to A.R.S. §13-705.~~

1 COUNT 3

2 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, conspired
3 with S.L. to intentionally be present in a drug free school zone to sell or transfer marijuana under
4 2 lbs, peyote, prescription only drugs, dangerous drugs or narcotic drugs, to wit: marijuana, in
violation of §§13-3411, 13-3401, 13-1003, 13-105, 13-303, 13-701, 13-702, 13-705C and 13-821
a class 4 felony, punishable pursuant to A.R.S. §13-705. 3

5 COUNT 4

6 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
7 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: 14 seals containing methamphetamine, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony. 4

8 COUNT 5

9 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
10 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
11 paraphernalia, to wit: drug kit containing numerous pipes, two seals, methamphetamine, seals
containing marijuana, blue container with marijuana, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony. 5

12 COUNT 6

13 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
14 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony. 6

15 COUNT 7

16 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
17 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
18 paraphernalia, to wit: black plastic scale with residue, located on top of red tool box, in violation
of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6
felony. 7

19 COUNT 8

20 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
21 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: grinder, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony. 8

22 COUNT 9

23 On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed
24 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: glass gin bottle bong, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony. 9

COUNT ~~1~~ 10

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: multi colored glass pipe with residue on entertainment center nor side of room, seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~2~~ 11

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: multi color glass bong left side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~3~~ 12

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: multicolored bag containing on right side of bed containing numerous items of paraphernalia, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~4~~ 13

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: glass pipe in multi colored bag on right side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~5~~ 14

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: small glass pipe with residue in multi colored bag on right side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~6~~ 15

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: plastic scoop, straw segments and loose seals, in multi colored bag on right side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~7~~ 16

On or about September 25, 2015, **TOYA MARLENE LITTLEBEAR** knowingly possessed a dangerous drug for sale, to wit: methamphetamine, in violation of A.R.S. §§13-3407.A.2, 13-3407.B.2, 13-3407.D, E, F, G, H, I, J, 13-3401.6, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 2 felony.

COUNT 17

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed child abuse, under circumstances likely to produce death or serious physical injury, by intentionally and knowingly and the victim was under fifteen years of age and having the care or custody of a child, caused or permitted the person or health of the child to be injured or to be placed in a situation where the person or health of the child was endangered, in violation of A.R.S. §§13-3623.A, 13-3623.C, E, F, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705 and 13-801, a class 2 felony, punishable pursuant to §13-705.

COUNT 18

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR knowingly hire, employ or use a minor to engage in any conduct, completed or preparatory, any substance if its possession is prohibited by §§13-3404, 13-3404.01, 13-3405, 13-3406, 13-3407, and 13-3408, in violation of A.R.S. §§13-3409.A.2, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705.C, and 13-821, a class 2 felony.

COUNT 19

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: 14 seals containing methamphetamine, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703, and 13-821, a class 6 felony.

COUNT 20

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: drug kit containing numerous pipes, two seals, methamphetamine, seals containing marijuana, blue container with marijuana, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 21

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 22

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: black plastic scale with residue, located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 23

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: grinder, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-

1 701, 13-702, 13-703 and 13-821, a class 6 felony.

2 COUNT ~~23~~ 23

3 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
4 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: glass gin bottle bong, in violation of A.R.S. §§13-3415.A, 13-3401, 13-
105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

5 COUNT ~~23~~ 24

6 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
7 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A,
13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

9 COUNT ~~24~~ 25

10 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
11 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: multi colored glass pipe with residue on entertainment center nor side of
room, seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105,
12 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

13 COUNT ~~25~~ 26

14 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
paraphernalia, to wit: multi color glass bong left side of bed, in violation of A.R.S. §§13-3415.A,
15 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

16 COUNT ~~26~~ 27

17 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
18 paraphernalia, to wit: multicolored bag containing on right side of bed containing numerous
items of paraphernalia, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701,
19 13-702, 13-703 and 13-821, a class 6 felony.

20 COUNT ~~27~~ 28

21 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
22 paraphernalia, to wit: glass pipe in multi colored bag on right side of bed, in violation of A.R.S.
§§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

23 COUNT ~~28~~ 29

24 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
25 paraphernalia, to wit: small glass pipe with residue in multi colored bag on right side of bed, in
violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703 and 13-821, a class 6

1 felony.

2 COUNT ~~30~~ 30

3 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
4 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
5 paraphernalia, to wit: plastic scoop, straw segments and loose seals, in multi colored bag on right
6 side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-
7 703 and 13-821, a class 6 felony.

8 COUNT ~~30~~ 31

9 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR knowingly
10 possessed a dangerous drug, to wit: methamphetamine, in violation of A.R.S. §§13-3407.A.1,
11 B.1, F, G, H, 13-3401, 13-901.01, 13-701, 13-702, 13-703 and 13-801, a Class 4 felony.

12 DATED this 1st day of September, 2016.

13 COCHISE COUNTY ATTORNEY

14 BY:

15 Thomas D. Bennett
16 Deputy County Attorney

17 True Bill

18 Foreperson of the Grand Jury

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